

SECOND REGULAR SESSION

HOUSE BILL NO. 1461

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SEIGFREID, LONG, CARNAHAN, KREIDER,
BARTELSMEYER, FARNEN, HARDING, ABEL, BOYKINS (Co-sponsors), RELFORD, DAVIS,
HAMPTON, MOORE, QUINN, ROARK AND TOWNLEY.

Read 1st time January 15, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3589L.01I

AN ACT

To repeal sections 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099,
115.123, 115.127, 115.151, 115.157, 115.160, 115.162, 115.163, 115.225, 115.233,
115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.433, 115.493, and
115.613, RSMo, and to enact in lieu thereof thirty-two new sections relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097,
2 115.099, 115.123, 115.127, 115.151, 115.157, 115.160, 115.162, 115.163, 115.225, 115.233,
3 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.433, 115.493, and 115.613,
4 RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections
5 115.013, 115.074, 115.081, 115.087, 115.089, 115.095, 115.097, 115.099, 115.100, 115.102,
6 115.123, 115.126, 115.127, 115.151, 115.157, 115.160, 115.162, 115.163, 115.225, 115.233,
7 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.420, 115.433, 115.493,
8 115.613, and 115.645, to read as follows:

115.013. As used in this chapter, unless the context clearly implies otherwise, the
2 following terms mean:

3 (1) "Automatic tabulating equipment", the apparatus necessary to examine and
4 automatically count votes, and the data processing machines which are used for counting votes
5 and tabulating results;

6 (2) "Ballot", the ballot card [or], paper ballot, **or ballot designed for use with a**
7 **computerized voting system** on which each voter may cast all votes to which he or she is

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended
to be omitted in the law.**

8 entitled at an election;

9 (3) "Ballot card", a ballot which is voted by making a punch or sensor mark which can
10 be tabulated by automatic tabulating equipment;

11 (4) "Ballot label", the card, paper, booklet, page or other material containing the names
12 of all offices and candidates and statements of all questions to be voted on;

13 (5) "Counting location", a location selected by the election authority for the automatic
14 processing or counting, or both, of ballots;

15 (6) "County", any one of the several counties of this state or the city of St. Louis;

16 (7) "Disqualified", a determination made by a court of competent jurisdiction, the
17 Missouri ethics commission, an election authority or any other body authorized by law to make
18 such a determination that a candidate is ineligible to hold office or not entitled to be voted on for
19 office;

20 (8) "District", an area within the state or within a political subdivision of the state from
21 which a person is elected to represent the area on a policy-making body with representatives of
22 other areas in the state or political subdivision;

23 (9) "Electronic voting system", a system of casting votes by use of marking devices, and
24 counting votes by use of automatic tabulating or data processing equipment, **and including**
25 **computerized voting systems**;

26 (10) "Established political party" for the state, a political party which, at either of the last
27 two general elections, polled for its candidate for any statewide office, more than two percent
28 of the entire vote cast for the office. "Established political party" for any district or political
29 subdivision shall mean a political party which polled more than two percent of the entire vote
30 cast at either of the last two elections in which the district or political subdivision voted as a unit
31 for the election of officers or representatives to serve its area;

32 (11) "Federal office", the office of presidential elector, United States senator, or
33 representative in Congress;

34 (12) "Independent", a candidate who is not a candidate of any political party and who
35 is running for an office for which party candidates may run;

36 (13) "Major political party", the political party whose candidates received the highest or
37 second highest number of votes at the last general election;

38 (14) "Marking device", either an apparatus in which ballots are inserted and voted by use
39 of a punch apparatus, or any approved device for marking paper ballots with ink or other
40 substance which will enable the votes to be counted by automatic tabulating equipment;

41 (15) "New party", any political group which has filed a valid petition and is entitled to
42 place its list of candidates on the ballot at the next general or special election;

43 (16) "Nonpartisan", a candidate who is not a candidate of any political party and who is

- 44 running for an office for which party candidates may not run;
- 45 (17) "Political party", any established political party and any new party;
- 46 (18) "Political subdivision", a county, city, town, village, or township of a township
47 organization county;
- 48 (19) "Polling place", the voting place designated for all voters residing in one or more
49 precincts for any election;
- 50 (20) "Precincts", the geographical areas into which the election authority divides its
51 jurisdiction for the purpose of conducting elections;
- 52 (21) "Public office", any office established by constitution, statute or charter and any
53 employment under the United States, the state of Missouri, or any political subdivision or special
54 district, but does not include any office in the reserve forces or the national guard or the office
55 of notary public;
- 56 (22) "Question", any measure on the ballot which can be voted "YES" or "NO";
- 57 (23) "Relative within the second degree by consanguinity or affinity", a spouse, each
58 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person;
- 59 (24) "Special district", any school district, water district, fire protection district, hospital
60 district, health center, nursing district, or other districts with taxing authority, or other district
61 formed pursuant to the laws of Missouri to provide limited, specific services;
- 62 (25) "Special election", elections called by any school district, water district, fire
63 protection district, or other district formed pursuant to the laws of Missouri to provide limited,
64 specific services; and
- 65 (26) "Voting district", the one or more precincts within which all voters vote at a single
66 polling place for any election.

**115.074. 1. Subject to appropriation from general revenue funds, the secretary of
2 state shall administer a grant program in an amount not to exceed five million dollars
3 annually for the purposes of providing funds to election authorities to upgrade or improve
4 the voting process or equipment. Such funding shall be in the form of matching grants.
5 The secretary of state may promulgate rules to effectuate the provisions of this section.**

**6 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
7 that is created under the authority delegated in this section shall become effective only if
8 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
9 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
10 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
11 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
12 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
13 adopted after August 28, 2002, shall be invalid and void.**

14 115.081. 1. Each election authority shall appoint [at least four] election judges for each
15 polling place within its jurisdiction **in accordance with the provisions of this section.** [If the
16 expected voter turnout at a polling place indicates that four judges may be insufficient, the
17 election authority may appoint an even number of additional judges for the polling place.
18 One-half of the judges at each polling place shall be members of one major political party, and
19 one-half of the judges at each polling place shall be members of the other major political party.]

20 2. **In a primary or general election, the election authority shall appoint at least two**
21 **judges from each major political party to serve at each polling place. No major political**
22 **party shall have a majority of the judges at any polling place. No established party or**
23 **judges who do not claim a political affiliation shall have a greater number of judges at any**
24 **polling place than any major political party.**

25 3. **In any election that is not a primary or general election, the election authority**
26 **shall appoint at least one judge from each major political party to serve at each polling**
27 **place. No major political party shall have a majority of the judges at any polling place.**
28 **No established party or judges who do not claim a political affiliation shall have a greater**
29 **number of judges at any polling place than any major political party.**

30 4. The election authority shall designate two of the judges appointed for each polling
31 place, one from each major political party, as supervisory judges. Supervisory judges shall be
32 responsible for the return of election supplies from the polling place to the election authority and
33 shall have any additional duties prescribed by the election authority.

34 [3.] 5. Election judges may be employed to serve for the first half or last half of any
35 election day. Such judges shall be paid one-half the regular rate of pay. If part-time judges are
36 employed, the election authority shall employ such judges and shall see that a sufficient number
37 for each period are present at all times so as to have the proper total number of judges present
38 at each polling place throughout each election day. The election authority shall require that at
39 each polling place at least one election judge from each political party serve a full day and that
40 at all times during the day there be an equal number of election judges from each political party.

41 6. **An election authority may appoint additional election judges representing other**
42 **established political parties and additional election judges who do not claim a political**
43 **affiliation. Any question which requires a decision by the majority of judges shall only be**
44 **made by the judges from the major political parties.**

2 [115.083. Any election authority may appoint an even number of additional
3 judges for use as needed on election day. One-half of such judges shall be members
4 of one major political party, and one-half of such judges shall be members of the
other major political party.]

2 115.087. 1. In each county which does not have a board of election commissioners, the
election judges shall be selected from lists provided by the county committee of each major

3 political party **or as authorized pursuant to section 115.081.** Not later than December tenth
4 in each year in which county committeemen are elected, the county committee of each major
5 political party shall submit to the county clerk a list of persons qualified to serve as election
6 judges in double the number required to hold a general election in the county. [Not later than
7 February tenth in each year immediately following the year in which county committeemen are
8 elected, each] **For each election the** county clerk shall select and appoint the number of judges
9 required to hold [a general] **the** election [in his county, taking one-half of the judges from each
10 of the lists]. If a county committee fails to present the prescribed number of names of qualified
11 persons by the time prescribed, the county clerk may select and appoint the number of judges
12 provided by law [for the county committee's party]. If the county clerk deems any person on a
13 list to be unqualified, [he] **the clerk** may request the county committee which submitted the list
14 to furnish another name. [The election judges shall be appointed for a term ending on February
15 tenth in the year immediately following the year in which county committeemen are next elected
16 and until their successors are appointed and qualified.]

17 **2. The state chairperson of each established political party may, in jurisdictions**
18 **where no county committee exists and where the county clerk is the election authority,**
19 **submit a list of persons qualified to serve as election judges to the county clerk. The county**
20 **clerk may select and appoint additional judges from such list pursuant to section 115.081.**

21 **3. County clerks may compile a list of persons who claim no political affiliation and**
22 **who volunteer to be election judges. A county clerk may select and appoint additional**
23 **judges from such list pursuant to section 115.081.**

115.089. Each board of election commissioners shall have authority to appoint election
2 judges for individual elections, or for a term coincident with the term of the board and until the
3 judges' successors are appointed and qualified. The board may ask the county committee of each
4 major political party to submit a list of persons qualified to serve as election judges and may
5 select and appoint judges from the lists. **The board may compile a list of persons who claim**
6 **no political affiliation and who volunteer to be election judges and may select and appoint**
7 **judges from the list.**

115.095. If any judge fails to act or to appear by the time fixed by law for the opening
2 of the polls, the election authority shall be notified immediately by an election judge. The
3 election authority or the election judges present in the polling place shall appoint another judge
4 from the same political party as the judge failing to act or to appear. If the election judges elect
5 a qualified temporary judge, [he] **such judge** shall have full authority to act as judge for the
6 election, except that [he] **such judge** may be removed at any time by the election authority and
7 replaced with another qualified judge from the same political party as the removed judge. **Any**
8 **judge selected pursuant to this section shall be selected to ensure that no political party**

9 **shall have a majority of judges at any polling place and that each major political party has**
10 **at least one judge serving at the polling place.**

115.097. No election judge shall be absent from the polls for more than one hour during
2 the hours the polls are open on election day. No election judge shall be absent from the polls
3 before 9:00 a.m. or after 5:00 p.m. on election day. No more than one judge from the same
4 **major** political party shall be absent from the polls at the same time on election day.

115.099. Each election authority shall have authority to direct judges in their duties and
2 to compel compliance with the law. Each election authority may substitute judges at his
3 discretion on election day. Each election authority shall also have authority at any time to
4 remove any judge for good cause and to replace [him] **the judge** with a qualified person from
5 the same political party as the removed judge. **Any judge selected pursuant to this section**
6 **shall be selected to ensure that no political party shall have a majority of judges at any**
7 **polling place and that each major political party has at least one judge serving at the**
8 **polling place.**

115.100. 1. An employer shall not terminate, discipline, threaten, or take adverse
2 actions against an employee based on the employee's service as an election judge.

3 2. An employee who is appointed to serve as an election judge may, on election day,
4 be absent from his or her employment for the period of time that the election authority
5 requires the employee to serve as election judge. Employees must notify employers at least
6 seven days prior to an election that they will be absent from work on election day due to
7 service as an election judge.

8 3. An employee discharged in violation of this section may bring a civil action
9 against the employer within ninety days of discharge for recovery of lost wages and other
10 damages caused by the violation and for an order directing reinstatement of the employee.
11 If the employee prevails, the employee shall be entitled to receive reasonable attorney's fees
12 and costs.

13 4. The provisions of this section shall apply only to employers of more than fifty
14 employees.

115.102. 1. Subject to appropriation from general revenue funds, the secretary of
2 state shall administer a grant program for the purpose of increasing the compensation of
3 election judges. Such funding shall be in the form of matching grants, and shall be made
4 available to election authorities contingent upon the election authority increasing the
5 compensation of election judges to an amount not less than seven dollars per hour. The
6 secretary of state may promulgate rules to effectuate the provisions of this section.

7 2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
8 that is created under the authority delegated in this section shall become effective only if

9 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
10 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
11 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
12 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
13 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
14 adopted after August 28, 2002, shall be invalid and void.

15 115.123. 1. All public elections shall be held on Tuesday. Except as provided in
16 subsections 2, 3, 4 and 5 of this section, and section 247.180, RSMo, all public elections shall
17 be held on the general election day, the primary election day, the general municipal election day,
18 the first Tuesday after the first Monday in February or November, or on another day expressly
19 provided by city or county charter.

20 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
21 presidential primary held pursuant to sections 115.755 to 115.785 shall be held on the first
22 Tuesday after the first Monday in March of each presidential election year.

23 3. Notwithstanding the provisions of subsection 1 of this section, school districts may
24 hold elections [on the first Tuesday after the first Monday in June and] in nonprimary years on
25 the first Tuesday after the first Monday in August, and municipalities may hold elections in
26 nonprimary years on the first Tuesday after the first Monday in August.

27 4. The following elections shall be exempt from the provisions of subsection 1 of this
28 section:

- 29 (1) Bond elections necessitated by fire, vandalism or natural disaster;
30 (2) Elections for which ownership of real property is required by law for voting; and
31 (3) Special elections to fill vacancies and to decide tie votes or election contests.

32 5. No city or county shall adopt a charter or charter amendment which calls for elections
33 to be held on dates other than those established in subsection 1 of this section.

34 6. Nothing in this section prohibits a charter city or county from having its primary
35 election in March if the charter provided for a March primary before August 28, 1999.

36 7. Nothing in this section shall prohibit elections held pursuant to section 65.600, RSMo,
37 but no other issues shall be on the March ballot except pursuant to this chapter.

**115.126. 1. Notwithstanding any provision of this chapter to the contrary, election
2 authorities shall establish an advance voting period when eligible registered voters may
3 vote before any presidential election at the office of the election authority and up to four
4 other polling places designated by and under the control of the election authority. The
5 permissible advance voting period shall begin fourteen days prior to such election and end
6 at 5:00 p.m. on the Wednesday before the day of such election.**

7 **2. Election authorities shall, pursuant to subsection 1 of this section, establish the**

8 hours and locations for advance voting and shall post this information at the election
9 authority's office and in such other locations as the election authority may select.

10 **3. Except as provided in this section, advance voting procedures shall be conducted**
11 **pursuant to sections 115.407 to 115.445. The secretary of state shall design the necessary**
12 **application for use in an advance voting program pursuant to this section. Not later than**
13 **August first of each year in which there is a presidential election each election authority**
14 **shall submit to the secretary of state a plan and funding request to implement the**
15 **provisions of this section. The secretary of state shall submit a request for funding to the**
16 **governor based on such plans approved by the secretary of state and funding requests**
17 **submitted. If a sufficient sum is appropriated to finance the plan and to pay the state's**
18 **other financial obligations to the election authorities pursuant to this chapter, including**
19 **its proportional share of costs for primary and general elections, an advance voting**
20 **program shall be implemented for the state at the presidential elections held during that**
21 **fiscal year. No advance voting or other absentee voting program authorized pursuant to**
22 **this section shall occur when the state has failed to appropriate funds to pay its obligations.**
23 **The secretary of state shall assist election authorities in developing a plan for the**
24 **implementation of an advance voting program.**

25 **4. Before the precinct registers are delivered to the polling places for an election,**
26 **the election authority shall record in the precinct registers the names of all voters who have**
27 **submitted an advance voting ballot. The election judge shall not allow any person who has**
28 **voted an advance voting ballot in the election to vote at the polls on election day. If it is**
29 **determined that any voter submitted an advance voting ballot and voted at the polls on**
30 **election day:**

31 **(1) Such person, having voted more than once, is guilty of a class one election**
32 **offense pursuant to subdivision (2) of section 115.631;**

33 **(2) The election authority shall certify that fact and the name of the voter to the**
34 **verification board. Such certificate shall be included with the abstracts drawn by the**
35 **verification board.**

115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of
2 a special election to fill a vacancy submitted pursuant to section 115.125, the election authority
3 shall cause legal notice of the special election to be published in a newspaper of general
4 circulation in its jurisdiction. The notice shall include the name of the officer or agency calling
5 the election, the date and time of the election, the name of the office to be filled and the date by
6 which candidates must be selected or filed for the office. Within one week prior to each special
7 election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of
8 the election to be published in two newspapers of different political faith and general circulation

9 in the jurisdiction. The legal notice shall include the date and time of the election, the name of
10 the officer or agency calling the election and a sample ballot. If there is only one newspaper of
11 general circulation in the jurisdiction, the notice shall be published in the newspaper within one
12 week prior to the election. If there are two or more newspapers of general circulation in the
13 jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the
14 newspapers within one week prior to the election.

15 2. Except as provided in subsections 1 and 4 of this section and in sections 115.521,
16 115.549 and 115.593, the election authority shall cause legal notice of each election held in its
17 jurisdiction to be published. The notice shall be published in two newspapers of different
18 political faith and qualified pursuant to chapter 493, RSMo, which are published within the
19 bounds of the area holding the election. If there is only one so qualified newspaper, then notice
20 shall be published in only one newspaper. If there is no newspaper published within the bounds
21 of the election area, then the notice shall be published in two qualified newspapers of different
22 political faith serving the area. Notice shall be published twice, the first publication occurring
23 in the second week prior to the election, and the second publication occurring within one week
24 prior to the election. Each such legal notice shall include the date and time of the election, the
25 name of the officer or agency calling the election and a sample ballot; and, unless notice has been
26 given as provided by section 115.129, the second publication of notice of the election shall
27 include the location of polling places. The election authority may provide any additional notice
28 of the election it deems desirable.

29 3. The election authority shall print the official ballot as the same appears on the sample
30 ballot, and no candidate's name or ballot issue which appears on the sample ballot or official
31 printed ballot shall be stricken or removed from the ballot except on death of a candidate or by
32 court order.

33 4. In lieu of causing legal notice to be published in accordance with any of the provisions
34 of this chapter, the election authority in jurisdictions which have less than five hundred registered
35 voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is published, may
36 cause legal notice to be mailed during the second week prior to the election, by first class mail,
37 to each registered voter at [his] **the voter's** voting address. All such legal notices shall include
38 the date and time of the election, the location of the polling place, the name of the officer or
39 agency calling the election and a sample ballot.

40 5. **In lieu of causing legal notice to be published twice in accordance with any of the**
41 **provisions of this chapter, the election authority may cause legal notice to be mailed during**
42 **the second week prior to the election, by first class mail, to each registered voter at the**
43 **voter's voting address and cause legal notice to be published once within one week before**
44 **the election. All such legal notices shall include the date and time of the election, the**

45 **location of the polling place, the name of the officer or agency calling the election and a**
46 **sample ballot.**

47 **6.** If the opening date for filing a declaration of candidacy for any office in a political
48 subdivision or special district is not required by law or charter, the opening filing date shall be
49 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration
50 of candidacy for any office in a political subdivision or special district is not required by law or
51 charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The
52 political subdivision or special district calling an election shall, before the fifteenth Tuesday prior
53 to any election at which offices are to be filled, notify the general public of the opening filing
54 date, the office or offices to be filled, the proper place for filing and the closing filing date of the
55 election. Such notification may be accomplished by legal notice published in at least one
56 newspaper of general circulation in the political subdivision or special district.

57 **[6.] 7.** Except as provided for in sections 115.247 and 115.359, if there is no additional
58 cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or
59 reprinting costs, a candidate who has filed for an office or who has been duly nominated for an
60 office, may, at any time after the certification required in section 115.125 but no later than 5:00
61 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order,
62 which, except for good cause shown by the election authority in opposition thereto, shall be
63 freely given upon application by the candidate to the circuit court of the area of such candidate's
64 residence.

 115.151. 1. Each qualified applicant who appears before the election authority shall be
2 deemed registered as of the time the applicant's completed, signed and sworn registration
3 application is witnessed by the election authority or deputy registration official.

4 2. Each applicant who registers by mail shall be deemed to be registered as of the date
5 the application is postmarked, if such application is accepted and not rejected by the election
6 authority and the verification notice required pursuant to section 115.155 is not returned as
7 undeliverable by the postal service.

8 3. Each applicant who registers at a voter registration agency or the division of motor
9 vehicle and drivers licensing of the department of revenue shall be deemed to be registered as
10 of the date the application is signed by the applicant, if such application is accepted and not
11 rejected by the election authority and the verification notice required pursuant to section 115.155
12 is not returned as undeliverable by the postal service. **Voter registration agencies and the**
13 **division of motor vehicle and driver licensing of the department of revenue shall transmit**
14 **voter registration application forms to the appropriate election authority not later than five**
15 **business days after the form is completed by the applicant.**

 115.157. 1. The election authority may place all information on any registration cards

2 in computerized form in accordance with subsection 2 of section 115.158. No election authority
3 or secretary of state shall furnish to any member of the public electronic media or printout
4 showing any registration information, except as provided in this section. **Except as provided**
5 **in subsection 2 of this section**, the election authority or secretary of state shall make available
6 electronic media or printouts showing unique voter identification numbers, voters' names, dates
7 of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at
8 least the following separate fields:

- 9 (1) Voter identification number;
- 10 (2) First name;
- 11 (3) Middle initial;
- 12 (4) Last name;
- 13 (5) Suffix;
- 14 (6) Street number;
- 15 (7) Street direction;
- 16 (8) Street name;
- 17 (9) Street suffix;
- 18 (10) Apartment number;
- 19 (11) City;
- 20 (12) State;
- 21 (13) Zip code;
- 22 (14) Township;
- 23 (15) Ward;
- 24 (16) Precinct;
- 25 (17) Senatorial district;
- 26 (18) Representative district;
- 27 (19) Congressional district.

28
29 All election authorities shall enter voter history in their computerized registration systems and
30 shall, not more than six months after the election, forward such data to the centralized voter
31 registration system established in section 115.158. **Except as provided in subsection 2 of this**
32 **section**, the election authority shall also furnish, for a fee, electronic media or a printout showing
33 the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of
34 the election authority who voted in any specific election, including primary elections, by
35 township, ward or precinct, provided that nothing in this chapter shall require such voter
36 information to be released to the public over the Internet. The amount of fees charged for
37 information provided in this section shall be established pursuant to chapter 610, RSMo. All

38 revenues collected by the secretary of state pursuant to this section shall be deposited in the state
39 treasury and credited to the secretary of state's technology trust fund account established pursuant
40 to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request,
41 supply the voter registration list for its jurisdiction to all candidates and party committees for a
42 charge established pursuant to chapter 610, RSMo. **Except as provided in subsection 2 of this**
43 **section**, all election authorities shall make the information described in this section available
44 pursuant to chapter 610, RSMo. Any election authority who fails to comply with the
45 requirements of this section shall be subject to the provisions of chapter 610, RSMo.

46 **2. Any peace officer as defined in subdivision (3) of section 590.010, RSMo, any**
47 **person working as an undercover officer of a law enforcement agency of this state, agents**
48 **of a federal law enforcement agency, persons in witness protection programs, and victims**
49 **of domestic violence and abuse who have received orders of protection pursuant to chapter**
50 **455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her**
51 **county of residence to have the residential address on his or her voter registration records**
52 **closed to the public if the release of such information could endanger the safety of the**
53 **person. Any person working as an undercover agent or in a witness protection program**
54 **shall also submit a statement from the chief executive officer of the agency under whose**
55 **direction he or she is serving. The petition to close the residential address shall be**
56 **incorporated into any petition for protective order provided by circuit clerks pursuant to**
57 **chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications**
58 **of this subsection, the circuit court shall issue an order to the election authority to keep the**
59 **residential address of the voter a closed record and the address may be used only for the**
60 **purposes of administering elections pursuant to this chapter. The election authority may**
61 **require the voter who has a closed residential address record to verify that his or her**
62 **residential address has not changed or to file a change of address and to affirm that the**
63 **reasons contained in the original petition are still accurate prior to receiving a ballot. A**
64 **change of address within an election authority's jurisdiction shall not require that the voter**
65 **file a new petition. Any voter who no longer qualifies pursuant to this subsection to have**
66 **his or her residential address as a closed record shall notify the circuit court. Upon such**
67 **notification, the circuit court shall void the order closing the residential address and so**
68 **notify the election authority.**

115.160. 1. All Missouri driver's license applicants shall receive a voter registration
2 application form as a simultaneous part of the application for a driver's license, renewal of
3 driver's license, change of address, duplicate request and a nondriver's license.

4 2. If a single application form is used, the voter registration application portion of any
5 application described in subsection 1 of this section may not require any information that

6 duplicates information required in the driver's license portion of the form, except a second
7 signature or other information required by law.

8 3. After conferring with the secretary of state as the chief state election official
9 responsible for overseeing of the voter registration process, the director of revenue shall adopt
10 rules and regulations pertaining to the format of the voter registration application used by the
11 department.

12 4. No information relating to the failure of an applicant for a driver's license or
13 nondriver's license to sign a voter registration application may be used for any purpose other than
14 voter registration.

15 5. Any voter registration application received pursuant to the provisions of this section
16 shall be forwarded to the election authority located within that county or any city not within a
17 county, or if there is more than one election authority within the county, then to the election
18 authority located nearest to the location where the driver's license application was received. The
19 election authority receiving the application forms shall review the applications and forward any
20 applications pertaining to a different election authority to that election authority.

21 6. A completed voter registration application accepted in the driver's licensing process
22 shall be transmitted to the election authority described in subsection 5 of this section [not later
23 than ten days after the date of acceptance or if the voter registration application is accepted
24 within five days before the last day for registration to vote in an election, the application shall
25 be transmitted to the election authority described in subsection 5 of this section] not later than
26 five **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the secretary of state
2 in all offices of the state that provide public assistance, all offices that provide state-funded
3 programs primarily engaged in providing services to persons with disabilities, and other offices
4 as directed by the governor. In addition all armed forces recruitment offices shall be considered
5 a voter registration agency.

6 2. At each voter registration agency, the following services shall be made available:

7 (1) Assistance to applicants in completing voter registration application forms, unless
8 the applicant refuses such assistance;

9 (2) Acceptance of completed voter registration application forms for transmittal to the
10 election authority located in the same county or any city not within a county, or if there is more
11 than one election authority within the county, to the election authority nearest to the office of the
12 agency. The election authority receiving the application forms shall review the applications and
13 forward any applications pertaining to a different election authority to that election authority[.
14 Forms shall be transmitted as soon as possible and according to dates established by the state
15 election authority];

16 (3) **Voter registration sites shall transmit voter registration application forms to the**
17 **appropriate election authority not later than five business days after the form is completed**
18 **by the applicant.**

19 (4) If a voter registration agency provides services to a person with a disability at the
20 person's home, the agency shall provide the services provided in this section at the person's
21 home.

22 3. An applicant declining to register in any agency shall be noted in a declination section
23 incorporated into the voter registration form used by the agency. No information relating to a
24 declination to register to vote in connection with an application made at a voter registration
25 agency may be used for any purpose other than voter registration.

26 [4. Subject to the approval of the secretary of state, the voter registration agency shall
27 adopt rules and regulations pertaining to the format of a voter registration application to be used
28 by that agency.]

 115.163. 1. Each election authority shall arrange one set of registration cards into
2 permanent binders for each precinct, or it may authorize the creation of computerized lists for
3 each precinct. The computerized lists or binder shall be arranged alphabetically or by street
4 address as the election authority determines and shall be known as the "precinct register". At
5 least one set of registration cards shall be arranged in a central file in such a manner as the
6 election authority determines, and shall be known as the "headquarters register". The election
7 authority shall be the custodian of the registration records, and no cards or records shall be
8 removed or handled except at its direction and under its supervision. The precinct registers shall
9 be kept by the election authority in a secure place, except when given to election judges for use
10 at an election. **Except as provided in subsection 2 of section 115.157,** all registration records
11 shall be open to inspection by the public at all reasonable times.

12 2. In counties using computer printouts as precinct registers, a new computer printout
13 shall be printed prior to each election.

14 3. In those counties using computer printouts as precinct registers, the election authority
15 shall send to each voter a voter identification card not less than ninety days prior to the primary
16 election in each year in which a primary and general election will be held, unless the voter has
17 received such a card during the preceding six months **or unless the election authority, in the**
18 **year preceding the election of state auditor, has canvassed the voter registration records**
19 **through the use of postal service contractors under the federal National Change of Address**
20 **program.** The voter identification card shall contain the voter's name, address, precinct and a
21 signature line. The card may also contain other voting information at the discretion of the
22 election authority. The voter shall be instructed to sign the card for use as identification at the
23 polls. The voter identification card shall be sent to a voter after a new registration or a change

24 of address. If any voter shall lose [his] **the** voter identification card [he] **the voter** may request
25 a new one from the election authority. The voter identification card authorized pursuant to this
26 section may be used as a canvass of voters in lieu of the provisions set out in sections 115.179
27 to 115.193. **Except as provided in subsection 2 of section 115.157**, anyone, upon request and
28 payment of a reasonable fee, may obtain a printout, list and/or computer tape of those newly
29 registered voters or voters deleted from the voting rolls, since the last canvass or updating of the
30 rolls. **The election authority may authorize the use of the postal service contractors under**
31 **the federal National Change of Address program to identify those voters whose address is**
32 **not correct on the voter registration records. The election authority shall not be required**
33 **to mail a voter registration card to those voters whose addresses are incorrect.**

115.225. 1. Before use by election authorities in this state, the secretary of state shall
2 approve the marking devices and the automatic tabulating equipment used in electronic voting
3 systems and may promulgate rules and regulations to implement the intent of sections 115.225
4 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as [he] **the voter**
8 is lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as [he] **the voter** is
10 lawfully entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for each office as [he]
12 **the voter** is lawfully entitled to cast;

13 (5) Permits each voter at a general election to vote for all candidates of one party by one
14 punch or mark or to vote a split ticket, as [he] **the voter** desires;

15 (6) Permits each voter in a primary election to vote for the candidates of only one party
16 announced by the voter in advance;

17 (7) Permits each voter at a presidential election to vote by use of a single punch or mark
18 for the candidates of one party or group of petitioners for president, vice president and their
19 presidential electors;

20 (8) Accurately counts all proper votes cast for each candidate and for and against each
21 question;

22 (9) Is set to reject all votes, except write-in votes, for any office and on any question
23 when the number of votes exceeds the number a voter is lawfully entitled to cast;

24 (10) Permits each voter, while voting, to clearly see the ballot label.

25 3. [No rule or portion of a rule promulgated under the authority of this section shall
26 become effective unless it has been promulgated pursuant to the provisions of section 536.024,

27 RSMo.] The secretary of state shall promulgate rules and regulations to allow the use of a
28 computerized voting system.

29 **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
30 **that is created under the authority delegated in this section shall become effective only if**
31 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
32 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
33 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
34 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
35 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
36 **adopted after August 28, 2002, shall be invalid and void.**

115.233. Within [five] **fourteen** days prior to an election at which an electronic voting
2 system is to be used, the election authority shall have the automatic tabulating equipment tested
3 to ascertain that the equipment is in compliance with the law and that it will correctly count the
4 votes cast for all offices and on all questions. At least forty-eight hours prior to the test, notice
5 of the time and place of the test shall be mailed to each independent and new party candidate and
6 the chairman of the county committee of each established political party named on the ballot.
7 The test shall be observed by at least two persons designated by the election authority, one from
8 each major political party, and shall be open to representatives of the political parties, candidates,
9 the news media and the public. The test shall be conducted by processing a preaudited group of
10 ballots. If any error is detected, the cause shall be ascertained and corrected, and an errorless
11 count shall be made before the tabulating equipment is approved.

115.237. 1. Each ballot printed **or designed for use with a computerized voting**
2 **system** for any election [under the provisions of sections 115.001 to 115.641] **pursuant to this**
3 **chapter**, shall contain all questions and the names of all offices and candidates certified or filed
4 pursuant to [sections 115.001 to 115.641] **this chapter** and no other. As far as practicable, all
5 questions and the names of all offices and candidates for which each voter is entitled to vote shall
6 be printed on one page except for the ballot for political party committee persons in polling
7 places not utilizing an electronic voting system which may be printed separately and in
8 conformity with the requirements contained in this section. As far as practicable, ballots
9 containing only questions and the names of nonpartisan offices and candidates shall be printed
10 in accordance with the provisions of this section, except that the ballot information may be listed
11 in vertical or horizontal rows. The names of candidates for each office shall be listed in the order
12 in which they are filed.

13 2. Each ballot shall be plain paper, through which printing or writing cannot be read, **or**
14 **electronically designed for use with a computerized voting system**, and shall have:

15 (1) Each party name printed in capital letters not less than eighteen point in size;

- 16 (2) A circle one-half inch in diameter immediately below each party name;
- 17 (3) The name of each office printed in capital letters not less than eight point in size;
- 18 (4) The name of each candidate printed in capital letters not less than ten point in size;
- 19 (5) A small square, the sides of which shall not be less than one-fourth inch in length,
- 20 printed directly to the left of each candidate's name and on the same line as the candidate's name.
- 21 When write-in votes are authorized and no candidate's name is to be printed under the name of
- 22 an office in a party or nonpartisan column, under the name of the office in the column shall be
- 23 printed a square. Directly to the right of the square shall be printed a horizontal line on which
- 24 the voter may vote for a person whose name does not appear on the ballot. When more than one
- 25 position is to be filled for an office, and the number of candidates' names under the office in a
- 26 column is less than the number of positions to be filled, the number of squares and write-in lines
- 27 printed in the column shall equal the difference between the number of candidates' names and
- 28 the number of positions to be filled;
- 29 (6) The list of candidates of each party and all nonpartisan candidates placed in separate
- 30 columns with a heavy vertical line between each list;
- 31 (7) A horizontal line extending across the ballot three-eighths of an inch below the last
- 32 name or write-in line under each office in such a manner that the names of all candidates and all
- 33 write-in lines for the same office appear between the same horizontal lines. If write-in votes are
- 34 not authorized, the horizontal line shall extend across the ballot three-eighths of an inch below
- 35 the name of the last candidate under each office;
- 36 (8) In a separate column or beneath a heavy horizontal line under all names and write-in
- 37 lines, all questions;
- 38 (9) At least three-eighths of an inch below all other matter on the ballot, printed in ten
- 39 point Gothic type, the words "Instructions to Voters" followed by directions to the voter on
- 40 marking [his] **the** ballot as provided in section 115.439;
- 41 (10) Printed at the top on the face of the ballot the words "Official Ballot" followed by
- 42 the date of the election and the statement "Instruction to Voters: Place an X in the square
- 43 opposite the name of the person for whom you wish to vote."

44 3. As nearly as practicable, each ballot shall be in substantially the following form:

45 OFFICIAL BALLOT			DATE
46 REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
47 O	O	O	O
48 For President	For President	For President	For President
49 and	and	and	and
50 Vice President	Vice President	Vice President	Vice President
51 []	[]	[]	[]

52	For	For	For	For
53	United States	United States	United States	United States
54	Senator	Senator	Senator	Senator
55	□	□	□	□
56	For Governor	For Governor	For Governor	For Governor
57	□	□	□	□
58	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
59	Governor	Governor	Governor	Governor
60	□	□	□	□
61	For Secretary	For Secretary	For Secretary	For Secretary
62	of State	of State	of State	of State
63	□	□	□	□
64	For Treasurer	For Treasurer	For Treasurer	For Treasurer
65	□	□	□	□
66	For Attorney	For Attorney	For Attorney	For Attorney
67	General	General	General	General
68	□	□	□	□
69	For	For	For	For
70	United States	United States	United States	United States
71	Representative	Representative	Representative	Representative
72	□	□	□	□
73	For State	For State	For State	For State
74	Senator	Senator	Senator	Senator
75	□	□	□	□
76	For State	For State	For State	For State
77	Representative	Representative	Representative	Representative
78	□	□	□	□
79	For Circuit	For Circuit	For Circuit	For Circuit
80	Judge	Judge	Judge	Judge
81	□	□	□	□

115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

- 7 (2) Incapacity or confinement due to illness or physical disability;
8 (3) Religious belief or practice;
9 (4) Employment as an election authority, as a member of an election authority, or by an
10 election authority at a location other than such voter's polling place;
11 (5) Incarceration, provided all qualifications for voting are retained; **or**
12 **(6) A person who is primarily responsible for the physical care of a person who is**
13 **incapacitated or confined due to illness or disability.**

14 2. Any person in federal service, as defined in section 115.275, who is eligible to register
15 and vote in any election in this state may vote in the election even if the person is not registered.
16 Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that
17 the person is qualified to vote in the election, may vote at the person's polling place.

18 3. Any interstate former resident, as defined in section 115.275, may vote by absentee
19 ballot for presidential and vice presidential electors.

20 4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot
21 at the election for presidential and vice presidential electors, United States senator, representative
22 in Congress, statewide elected officials and statewide questions, propositions and amendments
23 from such resident's new jurisdiction of residence after registering to vote in such resident's new
24 jurisdiction of residence.

25 5. Any new resident, as defined in section 115.275, may vote by absentee ballot for
26 presidential and vice presidential electors after registering to vote in such resident's new
27 jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person,
2 or by mail, or for the applicant, in person, by his or her guardian or a relative within the second
3 degree by consanguinity or affinity. The election authority [may] **shall** accept applications by
4 facsimile transmission [at its discretion and] within the limits of its telecommunications capacity.

5 2. Each application shall be made to the election authority of the jurisdiction in which
6 the person is or would be registered. Each application shall be in writing and shall state the
7 applicant's name, address at which he or she is or would be registered, his or her reason for
8 voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is
9 requested. Each application to vote in a primary election shall also state which ballot the
10 applicant wishes to receive. If any application fails to designate a ballot, the election authority
11 shall, within three working days after receiving the application, notify the applicant by mail that
12 it will be unable to deliver an absentee ballot until the applicant designates which political party
13 ballot he or she wishes to receive. If the applicant does not respond to the request for political
14 party designation, the election authority is authorized to provide the voter with that part of the
15 ballot for which no political party designation is required.

16 3. All applications for absentee ballots received prior to the sixth Tuesday before an
17 election shall be stored at the office of the election authority until such time as the applications
18 are processed in accordance with section 115.281. No application for an absentee ballot received
19 in the office of the election authority by mail, by facsimile transmission or by a guardian or
20 relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by
21 any election authority. No application for an absentee ballot submitted by the applicant in person
22 after 5:00 p.m. on the day before the election shall be accepted by any election authority, except
23 as provided in subsections 6, 8 and 9 of this section.

24 4. Each application for an absentee ballot shall be signed by the applicant or, if the
25 application is made by a guardian or relative pursuant to the provisions of this section, the
26 application shall be signed by the guardian or relative, who shall note on the application his or
27 her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or
28 write the English language or physically incapable of signing the application, he or she shall sign
29 by mark, witnessed by the signature of an election official or person of his or her own choosing.
30 Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application
31 shall be guilty of a class one election offense.

32 5. Notwithstanding any law to the contrary, any resident of the state of Missouri who
33 resides outside the boundaries of the United States or who is on active duty with the armed forces
34 of the United States or members of their immediate family living with them may request an
35 absentee ballot for both the primary and subsequent general election with one application.

36 6. An application for an absentee ballot by a new resident, as defined in section 115.275,
37 shall be submitted in person by the applicant in the office of the election authority in the election
38 jurisdiction in which such applicant resides. The application shall be received by the election
39 authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form
40 of an affidavit, executed in duplicate in the presence of the election authority or any authorized
41 officer of the election authority, and in substantially the following form:

42 "STATE OF

43 COUNTY OF, ss.

44 I,, do solemnly swear that:

45 (1) Before becoming a resident of this state, I resided at (residence address)
46 in (town, township, village or city) of County in the state of
47

48 (2) I moved to this state after the last day to register to vote in such general presidential
49 election and I am now residing in the county of, state of Missouri;

50 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
51 election to be held November, (year);

52 (4) I hereby make application for a presidential and vice presidential ballot. I have not
53 voted and shall not vote other than by this ballot at such election.

54 Signed

55 (Applicant)

56

57 (Residence Address)

58 Subscribed and sworn to before me this day of,

59 Signed

60 (Title and name of officer authorized to administer oaths)"

61 7. The election authority in whose office an application is filed pursuant to subsection
62 6 of this section shall immediately send a duplicate of such application to the appropriate official
63 of the state in which the new resident applicant last resided and shall file the original of such
64 application in its office.

65 8. An application for an absentee ballot by an intrastate new resident, as defined in
66 section 115.275, shall be made in person by the applicant in the office of the election authority
67 in the election jurisdiction in which such applicant resides. The application shall be received by
68 the election authority no later than 7:00 p.m. on the day of the election. Such application shall
69 be in the form of an affidavit, executed in duplicate in the presence of the election authority or
70 an authorized officer of the election authority, and in substantially the following form:

71 "STATE OF

72 COUNTY OF, ss.

73 I,, do solemnly swear that:

74 (1) Before becoming a resident of this election jurisdiction, I resided at
75 (residence address) in (town, township, village or city) of county in the
76 state of

77 (2) I moved to this election jurisdiction after the last day to register to vote in such
78 election;

79 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be
80 held (date);

81 (4) I hereby make application for an absentee ballot for candidates and issues on which
82 I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other
83 than by this ballot at such election.

84 Signed

85 (Applicant)

86

87 (Residence Address)

88 Subscribed and sworn to before me this day of,

89 Signed

90 (Title and name of officer authorized to administer oaths)"

91 9. An application for an absentee ballot by an interstate former resident, as defined in
92 section 115.275, shall be received in the office of the election authority where the applicant was
93 formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the
94 application is made in person by the applicant in the office of the election authority, in which
95 case, such application shall be made no later than 7:00 p.m. on the day of the election.

 115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state
2 the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for
3 voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that
4 the voter is qualified to vote in the election, that the voter has not previously voted and will not
5 vote again in the election, that the voter has personally marked the voter's ballot in secret or
6 supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has
7 been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the
8 voter is unable to seal it, and that all information contained in the statement is true. In addition,
9 any person providing assistance to the absentee voter shall include a statement on the envelope
10 identifying the person providing assistance under penalties of perjury. Persons authorized to vote
11 only for federal and statewide officers shall also state their former Missouri residence.

12 2. The statement for persons voting absentee ballots who are registered voters shall be
13 in substantially the following form:

14 State of Missouri

15 County (City) of

16 I, (print name), a registered voter of County
17 (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be
18 prevented from going to the polls on election day due to (check one):

19 absence on election day from the jurisdiction of the election authority in which I am
20 registered;

21 incapacity or confinement due to illness or physical disability;

22 religious belief or practice;

23 employment as an election authority or by an election authority at a location other than
24 my polling place;

25 incarceration, although I have retained all the necessary qualifications for voting;

26 **caring for a person who is incapacitated or confined due to illness or disability.**

27

28 I hereby state under penalties of perjury that I am qualified to vote at this election; I have not

29 voted and will not vote other than by this ballot at this election. I further state that I marked the
 30 enclosed ballot in secret or that I am blind, unable to read or write English, or physically
 31 incapable of marking the ballot, and the person of my choosing indicated below marked the
 32 ballot at my direction; all of the information on this statement is, to the best of my knowledge
 33 and belief, true.

34
35 Signature of Voter	Signature of Person
36	Assisting Voter
37	(if applicable)
38	Subscribed and sworn to
39	before me this day
40 Address of Voter	of,
41	
42
43 Mailing addresses	Signature of notary or
44 (if different)	other officer authorized
45	to administer oaths

46 3. The statement for persons voting absentee ballots pursuant to the provisions of
 47 subsection 2, 3, 4 or 5 of section 115.277 without being registered shall be in substantially the
 48 following form:

49 State of Missouri
 50 County (City) of.....

51 I, (print name), declare under the penalties of perjury that I am a citizen of the
 52 United States and eighteen years of age or older. I am not adjudged incapacitated by any court
 53 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of
 54 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to
 55 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

56 (1) I am a resident of the state of Missouri and (check one):

57 am a member of the U.S. armed forces in active service;
 58 am an active member of the U.S. merchant marine;
 59 am a civilian employee of the U.S. government working outside the United States;
 60 am an active member of a religious or welfare organization assisting servicemen;
 61 have been honorably discharged or terminated my service in one of the groups mentioned
 62 above within sixty days of this election;
 63 am a spouse or dependent of one of the above;
 64 am a registered voter in County and moved from that county to

65 County, Missouri, after the last day to register to vote in this election.

66 OR (check if applicable)

67 (2) I am an interstate former resident of Missouri and authorized to vote
 68 for presidential and vice presidential electors. I further state under penalties of perjury that I
 69 have not voted and will not vote other than by this ballot at this election; I marked the enclosed
 70 ballot in secret or am blind, unable to read or write English, or physically incapable of marking
 71 the ballot, and the person of my choosing indicated below marked the ballot at my direction; all
 72 of the information on this statement is, to the best of my knowledge and belief, true.

73 Subscribed to and sworn
 74 Signature of Voter before me this day
 75 of,

76
 77
 78 Address of Voter Signature of notary or
 79 other officer authorized
 80 to administer oaths

81
 82
 83 Mailing Address
 84 (if different)
 85
 86 Signature of Person Address of Last Missouri
 87 Assisting Voter Residence (if applicable)

88 4. The statement for persons voting absentee ballots who are entitled to vote at the
 89 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
 90 the following form:

91 State of Missouri

92 County (City) of

93 I, (print name), declare under the penalties of perjury that I expect to
 94 be prevented from going to the polls on election day due to (check one):

95 absence on election day from the jurisdiction of the election authority in which I am
 96 directed to vote;

97 incapacity or confinement due to illness or physical disability;

98 religious belief or practice;

99 employment as an election authority or by an election authority at a location other than
 100 my polling place;

101 incarceration, although I have retained all the necessary qualifications of voting;
 102 **caring for a person who is incapacitated or confined due to illness or disability.**

103

104 I hereby state under penalties of perjury that I own property in the district and am
 105 qualified to vote at this election; I have not voted and will not vote other than by this ballot at
 106 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable
 107 to read and write English, or physically incapable of marking the ballot, and the person of my
 108 choosing indicated below marked the ballot at my direction; all of the information on this
 109 statement is, to the best of my knowledge and belief, true.

110 Subscribed and sworn to
 111 Signature of Voter before me this
 112 day of,

113

114

115 Address Signature of notary or
 116 other officer authorized
 117 to administer oaths

118

119 Signature of Person

120 Assisting Voter

121 (if applicable)

122 5. The statement for persons providing assistance to absentee voters shall be in
 123 substantially the following form:

124 The voter needed assistance in marking the ballot and signing above, because of blindness, other
 125 physical disability, or inability to read or to read English. I marked the ballot enclosed in this
 126 envelope at the voter's direction, when I was alone with the voter, and I had no other
 127 communication with the voter as to how he or she was to vote. The voter swore or affirmed the
 128 voter affidavit above and I then signed the voter's name and completed the other voter
 129 information above. Signed under the penalties of perjury.

130

131 Reason why voter needed assistance:

132 ASSISTING PERSON SIGN HERE

133 1. (signature of assisting person)

134 2. (assisting person's name printed)

135 3. (assisting person's residence)

136 4. (assisting person's home city or town).

137 6. Notwithstanding any other provision of this section, any resident of the state of
138 Missouri who resides outside the boundaries of the United States or who is on active duty with
139 the armed forces of the United States or members of their immediate family living with them or
140 persons who have declared themselves to be permanently disabled pursuant to section 115.284,
141 otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her
142 absentee ballot.

143 7. Notwithstanding any other provision of this section or section 115.291 to the contrary,
144 the subscription, signature and seal of a notary or other officer authorized to administer oaths
145 shall not be required on any ballot, ballot envelope, or statement required by this section if the
146 reason for the voter voting absentee is due to [illness or physical disability] **the reasons**
147 **established pursuant to subdivisions (2) and (6) of subsection 1 of section 115.277.**

 115.291. 1. Upon receiving an absentee ballot, the voter shall mark [his] **the** ballot in
2 secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the
3 ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and
4 sworn to before the election official receiving the ballot, a notary public or other officer
5 authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or
6 confinement due to the provisions of section 115.284, illness or physical disability. If the voter
7 is blind, unable to read or write the English language, or physically incapable of voting [his] **the**
8 ballot, [he] **the voter** may be assisted by a person of [his] **the voter's** own choosing. Any person
9 assisting a voter who is not entitled to such assistance, and any person who assists a voter and
10 in any manner coerces or initiates a request or a suggestion that the voter vote for or against or
11 refrain from voting on any question, ticket or candidate, shall be guilty of a class one election
12 offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot
13 was voted with unlawful assistance, the ballot shall be rejected.

14 2. Each absentee ballot shall be returned to the election authority in the ballot envelope
15 and shall only be returned by the voter in person, **or in person by a relative of the voter who**
16 **is within the first degree of consanguinity or affinity**, by mail or registered carrier or by a
17 team of deputy election authorities; **except that persons in federal service, when sent from**
18 **a location determined by the secretary of state to be inaccessible on election day, shall be**
19 **allowed to return their absentee ballots cast by use of facsimile transmission or under a**
20 **program approved by the Department of Defense for electronic transmission of election**
21 **materials.**

22 3. In cases of an emergency declared by the President of the United States or the
23 governor of this state where the conduct of an election may be affected, the secretary of state may
24 provide for the delivery and return of absentee ballots by use of a facsimile transmission device
25 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of

26 voters as provided for by the secretary of state.

115.409. Except election authority personnel, election judges, watchers and challengers
2 appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of
3 election officials or in the line of duty, minor children under the age of eighteen accompanying
4 an adult who is in the process of voting, **international observers who have registered as such**
5 **with the election authority**, persons designated by the election authority to administer a
6 simulated youth election for persons ineligible to vote because of their age, members of the news
7 media who present identification satisfactory to the election judges and who are present only for
8 the purpose of bona fide news coverage except as provided in subdivision (18) of section
9 115.637, provided that such coverage does not disclose how any voter cast [his] **the voter's**
10 ballot on any question or candidate or in the case of a primary election on which party ballot they
11 voted or does not interfere with the general conduct of the election as determined by the election
12 judges or election authority, and registered voters who are eligible to vote at the polling place,
13 no person shall be admitted to a polling place.

115.417. 1. Before the time fixed by law for the opening of the polls, the election
2 authority shall deliver to each polling place a sufficient number of voter instruction cards which
3 include the following information:

4 (1) If paper ballots or an electronic voting system is used, the instructions shall inform
5 the voter on how to obtain a ballot for voting, how to vote and prepare the ballot for deposit in
6 the ballot box and how to obtain a new ballot to replace one accidentally spoiled;

7 (2) If voting machines are used, the instructions shall inform the voter how to operate
8 the machine in such a manner that [he] **the voter** may vote as [he] **the voter** wishes.

9 2. **The election authority at each polling place shall post in a conspicuous place**
10 **voting instructions on a poster no smaller than twenty-four inches by thirty inches. Such**
11 **instructions shall also inform the voter that the voting equipment can be demonstrated**
12 **upon request of the voter.**

13 3. If marking devices or voting machines are used, the election authority shall also
14 provide to each polling place a model of a marking device or portion of the face of a voting
15 machine. If requested to do so by a voter, the election judges shall give instructions on operation
16 of the marking device or voting machine by use of the model.

115.420. 1. **An election authority operating a voting system that uses ballot cards**
2 **shall not use a butterfly ballot unless the secretary of state provides written approval to the**
3 **election authority for the use of a butterfly ballot in the particular election.**

4 2. **For purposes of this section, "butterfly ballot" means a ballot where two ballot**
5 **pages are used side by side and where voters must vote on candidates or issues on both**
6 **sides of the pages.**

7 **3. The secretary of state may approve the use of a butterfly ballot in a particular**
8 **election when a large number of candidates and issues are to be decided, no alternative**
9 **ballot is reasonable under the circumstances, and the election authority submits to the**
10 **secretary of state a written explanation of the need for using a butterfly ballot.**

11 115.433. After the voter's identification certificate has been initialed, two judges of
12 different political parties, **or one judge from a political party and one judge with no political**
13 **affiliation**, shall, where paper ballots or ballot cards are used, initial the voter's ballot or ballot
14 card.

 115.493. The election authority shall keep all voted ballots, ballot cards, **processed**
2 **ballot materials in electronic form** and write-in forms, and all applications, statements,
3 certificates, affidavits and computer programs relating to each election for twelve months after
4 the date of the election. During the time that voted ballots, ballot cards, **processed ballot**
5 **materials in electronic form** and write-in forms are kept by the election authority, it shall not
6 open or inspect them or allow anyone else to do so, except upon order of a legislative body trying
7 an election contest, a court or a grand jury. After twelve months, the ballots, ballot cards,
8 **processed ballot materials in electronic form**, write-in forms, applications, statements,
9 certificates, affidavits and computer programs relating to each election may be destroyed. If an
10 election contest, grand jury investigation or civil or criminal case relating to the election is
11 pending at the time, however, the materials shall not be destroyed until the contest, investigation
12 or case is finally determined.

 115.613. 1. Except as provided in subsection 4 of this section, the qualified man and
2 woman receiving the highest number of votes from each committee district for committeeman
3 and committeewoman of a party shall be members of the county committee of the party.

4 2. If two or more qualified persons receive an equal number of votes for county
5 committeeman or committeewoman of a party and a higher number of votes than any other
6 qualified person from the party, a vacancy shall exist on the county committee which shall be
7 filled by a majority of the committee in the manner provided in section 115.617.

8 3. If no qualified person is elected county committeeman or committeewoman from a
9 committee district for a party, a vacancy shall exist on the county committee which shall be filled
10 by a majority of the committee in the manner provided in section 115.617.

11 4. The provisions of this subsection shall apply only in any county where no filing fee
12 is required for filing a declaration of candidacy for committeeman or committeewoman in a
13 committee district. **If only one qualified candidate has filed a declaration of candidacy for**
14 **committeeman or committeewoman in a committee district for a party prior to the deadline**
15 **established by law, no election shall be held for committeeman or committeewoman in the**
16 **committee district for that party and the election authority shall certify the qualified**

17 **candidate in the same manner and at the same time as candidates elected pursuant to**
18 **subsection 1 of this section are certified.** If no qualified candidate files for committeeman or
19 committeewoman in a committee district for a party, no election shall be held and a vacancy shall
20 exist on the county committee which shall be filled by a majority of the committee in the manner
21 provided in section 115.617. [The state shall pay the cost of producing ballots for any election
22 held for the purposes of this subsection. The election authority shall pay all public notice costs
23 for any election held pursuant to this subsection.]

115.645. 1. For purposes of enforcing this chapter, the secretary of state shall
2 **investigate all violations of any provisions of this chapter in cases where:**

3 **(1) The secretary of state determines a matter of statewide interest is adversely**
4 **affected; or**

5 **(2) The secretary of state determines local law enforcement authorities are**
6 **unwilling or unable to investigate the matter; or**

7 **(3) The local election authority requests the secretary of state to investigate.**

8 **2. The secretary of state shall promulgate rules to effectuate the provisions of this**
9 **section.**